

United States District Court
Western District of Kentucky
at Louisville

DATE: 2-6-12
 BY: A. Smallwood
 Deputy Clerk

UNITED STATES OF AMERICA

PLAINTIFF

VS.

CRIMINAL ACTION NO. 12MJ-34

BRENDON CUEVAS

FILED
U.S. DISTRICT COURT D.N.Y.
★ FEB - 9 2012 ★
DEFENDANT

ORDER ON INITIAL APPEARANCE
AND REMOVAL HEARING

BROOKLYN OFFICE

The above-styled case came before the Honorable James D. Moyer, United States Magistrate Judge and was called in open Court on January 31, 2012 to conduct an initial appearance and removal proceedings on a complaint and warrant from the Eastern District of New York.

APPEARANCES

For the United States:	Jo Ellen Lawless, Assistant United States Attorney
For the defendant:	Defendant, Brendon Cuevas - Present and in custody
	Laura R. Wyrosdick - Asst. Federal Defender - Appointed - Present
Court Reporter:	Digitally Recorded Proceedings

At the initial appearance the defendant acknowledged his identity, was furnished with a copy of the complaint and warrant from the Eastern District of New York, was advised of the nature of the charges contained therein and was advised of his rights. The defendant was questioned under oath regarding his ability to afford counsel and it was determined that he was eligible for appointment of counsel. The court will appoint the Office of the Federal Defender. Laura Wyrosdick, Assistant Federal Defender, was present in the courtroom and excepted the appointment.

Through counsel, the defendant executed a waiver of Rule 5 & 5.1 hearings and requested any further hearings to be held in the prosecuting District. Accordingly,

IT IS HEREBY ORDERED that the defendant be **remanded** to the custody of the U.S. Marshal Service pending transport to the Eastern District of New York for further proceedings.

This 1st day of February, 2012

ENTERED BY ORDER OF THE COURT:
JAMES D. MOYER
UNITED STATES MAGISTRATE JUDGE
VANESSA L. ARMSTRONG, CLERK
BY: /s/ Kathryn D. Niemann
Kathryn D. Niemann - Deputy Clerk

Copies: U.S. Attorney
 U.S. Probation
 U.S. Marshal
 Counsel for Defendant

CERTIFIED

U. S. DISTRICT COURT
LOUISVILLE, KY.

UNITED STATES DISTRICT COURT

DATE: 2-6-12

BY: Smallwood EASTERN

DISTRICT OF

NEW YORK

12 JAN 31 PM 3:40

Deputy Clerk

UNITED STATES OF AMERICA

v.

BRENDON CUEVAS

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT, D.N.Y.

★ FEB - 9 2012

BROOKLYN OFFICE

WARRANT FOR ARREST

Wdkey # 3:12MJ-34

MJ-12-0101

CASE NUMBER:

DEFENDANT.

TO: SPECIAL AGENT DANIELLE MESSINEO, FBI

, and any Authorized United States Official

YOU ARE HEREBY COMMANDED to arrest BRENDON CUEVAS

Name

and bring him or her forthwith to the nearest magistrate to answer a(n)

☐ Indictment ☐ Information ☒ Complaint ☐ Order of Court ☐ Violation Notice ☐ Probation Violation Petition

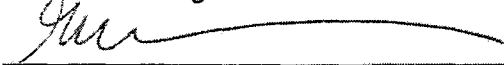
charging him or her with (brief description of offense)

TRANSPORTATION OF CHILD PORNOGRAPHY

In violation of Title 18

GARY R. BROWN

Name of Issuing Officer



Signature of Issuing Officer

Bail fixed at \$

United States Code, Section(s) 2252 (A) (1)

U.S. MAGISTRATE JUDGE

Title of Issuing Officer

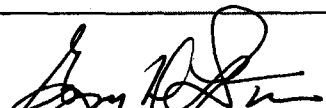
JANUARY 30, 2012-CENTRAL ISLIP, NY

Date and Location

By

RETURN

This warrant was received and executed with the arrest of the above-named defendant at LOUISVILLE, KY FEDERAL COURT

DATE RECEIVED	NAME AND TITLE OF ARRESTING OFFICER	SIGNATURE OF ARRESTING OFFICER
01-31-2012		
DATE OF ARREST		
01-31-2012	G.H. LOFTIN / DUSM	

(1)

FINANCIAL AFFIDAVIT CJA-23 (Rev. 5-98)

SUPPORT OF REQUEST FOR ATTORNEY, EXPERT OR OTHER COURT SERVICES WITHOUT PAYMENT OF FEE

DATE: 2-9-12 IN THE UNITED STATES ☐ MAGISTRATE ☐ DISTRICT ☐ APPEALS COURT or ☐ OTHER PANEL (Specify below)

BY: DeSA vs. Brendon CUEVAS FOR WDKY 12 JAN 31 PM 3:40
AT LOUISVILLE, KY LOCATION NUMBER 6443

18-12-0101 PERSON REPRESENTED (Show your full name)

CHARGE/OFFENSE (describe if applicable) 18-2252 **FILED IN CLERK'S OFFICE IN DISTRICT COURT D.N.Y. FEB - 9 2012** ☒ Felony ☐ Misdemeanor

1 ☒ Defendant - Adult
2 ☐ Defendant - Juvenile
3 ☐ Appellant
4 ☐ Probation Violator
5 ☐ Parole Violator
6 ☐ Habeas Petitioner
7 ☐ 2255 Petitioner
8 ☐ Material Witness
9 ☐ Other (Specify)

DOCKET NUMBERS
Magistrate 3:2 MJ-34
District Court
Court of Appeals

ANSWERS TO QUESTIONS REGARDING ABILITY TO PAY

EMPLOYMENT Are you now employed? ☐ Yes ☒ No ☐ Am Self Employed
Name and address of employer: _____
IF YES, how much do you earn per month? \$ _____ IF NO, give month and year of last employment _____
How much did you earn per month? \$ _____
If married is your Spouse employed? ☐ Yes ☐ No
IF YES, how much does your Spouse earn per month? \$ _____ If a minor under age 21, what is your Parents or Guardian's approximate monthly income? \$ _____

ASSETS **OTHER INCOME** Have you received within the past 12 months any income from a business, profession or other form of self-employment, or in the form of rent payments, interest, dividends, retirement or annuity payments, or other sources? ☐ Yes ☒ No
RECEIVED SOURCES
IF YES, GIVE THE AMOUNT RECEIVED & IDENTIFY \$ _____
THE SOURCES _____

CASH Have you any cash on hand or money in savings or checking account ☐ Yes ☒ No IF YES, state total amount \$ _____

PROPERTY Do you own any real estate, stocks, bonds, notes, automobiles, or other valuable property (excluding ordinary household furnishings and clothing)? ☐ Yes ☒ No
VALUE DESCRIPTION
IF YES, GIVE THE VALUE AND \$ _____
DESCRIBE IT _____

OBLIGATIONS & DEBTS **DEPENDENTS** MARITAL STATUS ☒ SINGLE ☐ MARRIED ☐ WIDOWED ☐ SEPARATED OR DIVORCED
Total No. of Dependents _____
List persons you actually support and your relationship to them _____

DEBTS & MONTHLY BILLS (LIST ALL CREDITORS, INCLUDING BANKS, LOAN COMPANIES, CHARGE ACCOUNTS, ETC.)
APARTMENT OR HOME: _____ Creditors _____ Total Debt _____ Monthly Payt. _____
\$ _____ \$ _____
\$ _____ \$ _____
\$ _____ \$ _____
\$ _____ \$ _____

I certify under penalty of perjury that the foregoing is true and correct. Executed on (date) 1-31-12SIGNATURE OF DEFENDANT
(OR PERSON REPRESENTED)Brendon Cuevas

(4)

AD 444A (Rev. 12/89) Waiver of Rule 5 & 5.1 Hearings (Complaint or Indictment)

UNITED STATES DISTRICT COURT

for the

Western District of Kentucky

United States of America

v.

Brendon Cuevas

Defendant

Case No. 3:12MJ-34

Charging District's Case No. MJ-12-0101

WAIVER OF RULE 5 & 5.1 HEARINGS
 (Complaint or Indictment)

I understand that I have been charged in another district, the (name of other court)

New YorkEastern District

I have been informed of the charges and of my rights to:

- (1) retain counsel or request the assignment of counsel if I am unable to retain counsel;
- (2) an identity hearing to determine whether I am the person named in the charges;
- (3) production of the warrant, a certified copy of the warrant, or a reliable electronic copy of either;
- (4) a preliminary hearing within 14 days of my first appearance if I am in custody and 21 days otherwise — unless I am indicted — to determine whether there is probable cause to believe that an offense has been committed;
- (5) a hearing on any motion by the government for detention;
- (6) request transfer of the proceedings to this district under Fed. R. Crim. P. 20, to plead guilty.

I agree to waive my right(s) to:

- ☐ an identity hearing and production of the warrant.
- ☐ a preliminary hearing.
- ☐ a detention hearing.
- ☒ an identity hearing, production of the warrant, and any preliminary or detention hearing to which I may be entitled in this district. I request that those hearings be held in the prosecuting district, at a time set by that court.

I consent to the issuance of an order requiring my appearance in the prosecuting district where the charges are pending against me.

Date:

1/31/12

Defendant's signature

Signature of defendant's attorney

Printed name of defendant's attorney

UNITED STATES DISTRICT COURT
OFFICE OF THE CLERK WESTERN
DISTRICT OF KENTUCKY
106 WEST BROADWAY
LOUISVILLE, KENTUCKY 40202
(502) 625-3500

FILED
IN CLERK'S OFFICE
DISTRICT COURT E.D.N.Y.
★ FEB - 9 2012 ★

Vanessa
Armstrong Clerk
of Court

James V. [REDACTED]
Chief Deputy
Clerk

BROOKLYN OFFICE

February 6, 2012

U.S. District Court Clerk
225 Cadman Plaza East
Brooklyn, New York 11201

Re: United States v. Brendon Cuevas
Our Case No: 3:12MJ-34

Your Case No: MJ-12-0101

Dear Clerk:

The above listed defendant was arrested in this district on your warrant. Enclosed is a certified copy of the transfer order and any sealed and/or unscanned documents. **The case is electronic and documents may be retrieved at <https://ecf.kywd.uscourts.gov> using your PACER login.**

If you should have any questions, please contact this office at (502) 625-3551.

Vanessa Armstrong, Clerk of Court

By: s/S Smallwood
Deputy Clerk